

SENATE BILL 2910

By Clabough

AN ACT to amend Tennessee Code Annotated, Title 71, Chapter 5, Part 1, relative to the TennCare program.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 71, Chapter 5, Part 1, is amended by adding the following as a new section:

(--)(a) A person commits an offense who, knowingly, obtains, or attempts to obtain, or aids or abets any person to obtain, by means of a willfully false statement, representation, or impersonation, or by any other fraudulent means or in any manner not authorized by this part, or by the regulations or procedures issued or implemented by the department pursuant to this part, medical assistance or any assistance provided pursuant to the part, to which such person is not entitled, or of a greater value than that to which such person is authorized.

(b) An offense under this section is a Class E felony.

(c) In addition to the foregoing penalty, the court may order that any such person be disqualified from participation in the medical assistance program, as an enrollee or provider, for a period of twelve (12) months for a first offense, twenty-four (24) months for a second offense, and permanently for a subsequent offense. The court may also order restitution in the total amount of all payments for medical assistance for such

person and all capitation payments to the managed care entity related to services for such person.

SECTION 2. Tennessee Code Annotated, Title 71, Chapter 5, Part 1, is amended by adding the following as a new section:

(a) A person commits an offense who provides a willfully false statement regarding another's medical condition or eligibility for insurance, to aid or abet another in obtaining or attempting to obtain medical assistance or any assistance provided under this part to which the person is not entitled or to a greater value than that to which such person is authorized.

(b) An offense under this section is a Class E felony.

(c)(1) In addition to the foregoing penalty, the court shall order restitution in the total amount of all payments for medical assistance for such person and all payments to the managed care entity related to services for such person.

(2) In addition to the foregoing penalties, the court shall report the person or entity to the appropriate professional licensure board or the department of commerce and insurance for disciplinary action.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.